

judgment and execution at law will give the creditor the full benefit of his specific security. There are cases, to be sure, in which it has been decided, that upon an execution issued on a judgment at law, the equity of redemption only is sold; and the mortgagee may afterwards maintain ejectment against the purchaser of the premises, in order to enforce the payment of the balance of his claim; but, as Chancellor Kent says, this supposes that the purchaser at the sheriff's sale knew of the existing mortgage, and purchased subject to it. 4 *Kent*, 183, note c. And in Pennsylvania, it has been decided, that the purchaser will hold the land discharged of the lien of the mortgage. *Pierce vs. Potter*, 7 *Watts*, 475; *Berger vs. Heister*, 6 *Whart.*, 210.

In the case of the vendor who has proceeded at law against his vendee, and sold the land under a *feri facias*, the Court of Appeals have said, the benefit therefrom might not be commensurate with his equitable lien—"that such a seizure and sale could only transfer the interest of the vendee at the date of the judgment, and would be subject to all judgments, liens and outstanding equities existing against the vendee anterior to that time—all such secret and unknown equities would remain unimpaired by such a judicial sale." *Richardson vs. Stillinger*, 12 *G. & J.*, 483. It was also remarked by the court in the same case, that, after a sale thus made by the vendor suing and recovering a judgment at law for the purchase money, "he would come with an ill grace into a court of equity, seeking to sell the original entire interest of the vendee in the property, (if indeed he could come at all,) and thereby annihilate the title of a purchaser acquired under a judicial sale, made at his, the vendor's instance, and for his benefit."

If, then, it be doubtful, and it is impossible to read the language of the Court of Appeals without entertaining grave doubts upon the subject, whether, after a vendor has recovered judgment at law for the purchase money, and sold the title of the vendee under a *feri facias* issued upon it, he can afterwards come into equity, and enforce his equitable lien, it is